

# OPEN MEETING ITEM



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COMMISSIONERS  
MIKE GLEASON - Chairman  
WILLIAM A. MUNDELL  
JEFF HATCH-MILLER  
KRISTIN K. MAYES  
GARY PIERCE

## ORIGINAL



ARIZONA CORPORATION COMMISSION

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2008 MAY 19 P 1:46

AZ CORP COMMISSION  
DOCKET CONTROL

DATE: MAY 19, 2008  
DOCKET NO: W-03293A-00-0365  
TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Jane Rodda. The recommendation has been filed in the form of an Order on:

THIM UTILITY COMPANY  
(THREE POINTS DIVISION)  
(CC&N EXTENSION)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

MAY 28, 2008

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Working Session and Open Meeting to be held on:

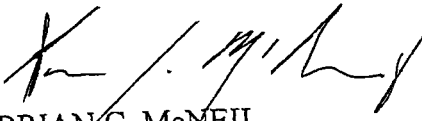
JUNE 3, 2008 and JUNE 4, 2008

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

Arizona Corporation Commission  
**DOCKETED**

MAY 19 2008

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BRIAN C. McNEIL  
EXECUTIVE DIRECTOR

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 MIKE GLEASON - Chairman  
4 WILLIAM A. MUNDELL  
5 JEFF HATCH-MILLER  
6 KRISTIN K. MAYES  
7 GARY PIERCE

8 IN THE MATTER OF THE APPLICATION OF  
9 THIM UTILITY COMPANY (THREE POINTS  
DIVISION) FOR AN EXTENSION OF ITS  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY.

DOCKET NO. W-03293A-00-0365

DECISION NO. \_\_\_\_\_

OPINION AND ORDER

10 Open Meeting  
11 June 3 and 4, 2008  
12 Phoenix, Arizona

13 **BY THE COMMISSION:**

14 \* \* \* \* \*

15 Having considered the entire record herein and being fully advised in the premises, the  
16 Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

17 **FINDINGS OF FACT**

18 1. On November 16, 2000, the Commission issued Decision No. 63155, which  
19 conditionally approved the application of Thim Utility Company (Three Points Division) ("Thim  
20 Utility" or "Company") for an extension of its Certificate of Convenience and Necessity  
21 ("Certificate" or "CC&N").

22 2. Decision No. 63155 conditioned approval of the CC&N extension on the Company  
23 providing a copy of the developer's Certificate of Assured Water Supply ("CAWS") for the extension  
24 area within 18 months of the effective date of the Order, and to provide documentation that the Three  
25 Points Division is providing water that meets the quality standards of the Safe Drinking Water Act by  
26 December 31, 2000. The Decision provided further that approval of the extension would be null and  
27 void in the event Thim Utility failed to meet the conditions within the time specified.

28 3. On March 19, 2001, the Company filed documentation from the Arizona Department

1 of Environmental Quality ("ADEQ") that it was providing water that met the quality standards of the  
2 Safe Drinking Water Act and that there were no major deficiencies. The Company did not file the  
3 CAWS as required.

4 4. On May 17, 2002, the Commission's Utilities Division ("Staff") docketed a  
5 memorandum voiding the CC&N extension for non-compliance.

6 5. On October 5, 2007, Staff re-opened the compliance in order to give the Company due  
7 process before cancelling the CC&N extension.

8 6. On February 4, 2008, Thim Utility submitted a request to cancel the extension of its  
9 CC&N because the "development did not take place."<sup>1</sup>

10 7. On March 10, 2008, Staff filed a Staff Report recommending approval of the request  
11 to cancel the CC&N extension.

12 8. Staff states that it contacted the Company to verify that no development took place in  
13 the extension area and that there were no customers.

14 9. Staff recommends cancellation of the CC&N extension that was conditionally granted  
15 by Decision No. 63155 and that this docket be closed as of the effective date of an Order cancelling  
16 such CC&N extension.

17 10. The Company's request and Staff's recommendations are reasonable.

18 11. The expected development in the extension area did not materialize. As a result, Thim  
19 Utility could not provide the developer's CAWS as required by Decision No. 63155 for the approval  
20 of the extended CC&N.

21 12. No customers will be affected by cancelling the CC&N extension.

22 13. Upon cancellation of the CC&N extension, Thim Utility will not be subject to the  
23 requirements of Decision No. 63155.

#### 24 CONCLUSIONS OF LAW

25 1. Thim Utility is a public service corporation within the meaning of Article XV of the  
26 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

27 \_\_\_\_\_  
28 <sup>1</sup> The Company's request inadvertently refers to its E&T Division instead of its Three Points Division, but Staff confirmed with the Company that it intended to make the request on behalf of the Three Points Division.

2. The Commission has jurisdiction over Thim Utility and the subject matter of the request.
3. Notice of this matter was provided in accordance with law.
4. There is no public need or necessity for water service in the extension area described in

Decision No. 63155.

**ORDER**

IT IS THEREFORE ORDERED that the extension of the Certificate of Convenience and Necessity conditionally granted to Thim Utility Company (Three Points Division) in Decision No. 63155 is hereby cancelled.

IT IS FURTHER ORDERED that this docket shall be closed.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

BRIAN C. McNEIL  
EXECUTIVE DIRECTOR

DISSENT \_\_\_\_\_

DISSENT \_\_\_\_\_

1 SERVICE LIST FOR: THIM UTILITY COMPANY (THREE POINTS  
2 DIVISION)

3 DOCKET NO.: W-03293A-00-0365

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5 Thim Utility Co.  
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10 ARIZONA CORPORATION COMMISSION  
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